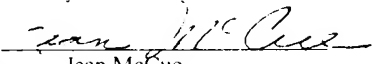




883933.0070

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael A. LYNES et al	37 C.F.R. § 1.8 Certificate of Mailing I hereby certify that this correspondence is today being deposited with the U.S. Postal Service in an envelope with appropriate postage affixed thereto and addressed to Commissioner for Patents and Trademarks, Washington, D.C. 20231. February 18, 2003  Jean McCue
Serial No.:	10/002,961	
Filing Date:	October 26, 2001	
Group Art Unit	1654	
Examiner	Randall O. Winston	
Title of Application:	A System and Method For Investigating The Effect Of Chemical and Other Factors On Cell Movement	

February 18, 2003

Commissioner for Patents
Washington, DC 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The following is in response to the Office Action dated December 17, 2002.

REMARKS

With respect to the Examiner's requirement for restriction, the Applicants elect with traverse the invention designated I comprising claims 1-7 and reserve their right to file divisional applications for the non-elected inventions.

The Examiner in setting forth the requirement states that "the inventive groups are directed to different inventions which are not connected in design, operation and effect." The Examiner has not used the classic terms "independent" or "distinct" in this regard.

The Patent Office as set out in the MPEP (§802.01) interprets the term "independent" to mean that "there is no disclosed relationship between the two or more subjects disclosed that is, they are unconnected in design, operation, or effect." The term "distinct" is interpreted to mean that two or more inventions are (1) capable of separate manufacture, use, or sale as claimed, and (2) patentable over each other.

Although 35 U.S.C. Section 121 specifies division of applications for inventions that are "independent and distinct," the patent Office has always taken the position that restriction may be required if the inventions are independent or distinct. Thus, an Examiner may require restriction of claims presented in a single application for related, dependent inventions that are distinct if (1) each distinct invention has a separate classification in the Patent Office patent classification system, (2) each distinct invention has a separate status in the art, or (3) a different field of search is necessary for each distinct invention.